

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

CURTIS SMITH, No. 42043,	)	
MELVIN LEROY TYLER, No. 09670,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 04-4075-CV-C-NKL
	)	
BOB HOLDEN, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiffs' claims were dismissed on September 9, 2007. Plaintiffs have subsequently filed a Rule 59(e) motion for reconsideration, motion to dismiss party plaintiff Curtis Smith, motion for preliminary injunction, motion to protect disc, motion for order to protect legal materials during appeals process, notice of appeal, motion for leave to file exhibits and for contempt. Former plaintiff Barmann has also filed a motion to join in the appeal.

After consideration, plaintiffs' Rule 59(e) motion to alter or amend the judgment is denied.

Upon the request of plaintiff Smith, he is dismissed as a plaintiff in this case for purposes of the appeal filed by his coplaintiff Melvin Leroy Tyler.

Plaintiff Tyler's motion for preliminary injunction charging the undersigned and Magistrate Judge William A. Knox with attempted first degree murder and obstruction of justice is frivolous and is denied.

Plaintiff Tyler's motions to file exhibits in support of his motion for sanctions is granted. However, the motion for sanctions is without merit and is denied.

Plaintiff Tyler's motions seeking an order of protection for his legal materials allegedly put on prison computer discs and hard drives are believed to have no merit. Plaintiff Tyler's broad, generalized allegations that he has "files" on discs and computers that need to be protected for purposes of appeal are not the type of claims which typically warrant an order of protection from this court. Further, as noted in previous orders of this court, extensive discovery

documents and filings are already on file with the court due to the required management of discovery throughout this case. Nevertheless, out of an abundance of caution, an order of protection is granted.

Because the appellate filing fee has been paid in full, the notice of appeal filed by plaintiff Tyler does not require this court to review the merits of such appeal for purposes of determining a grant of in forma pauperis status. However, for the benefit of the appellate court, the court notes that the notice of appeal filed by plaintiff Tyler attempts to name additional plaintiffs who are not subject to the judgment entered in this case. Additionally, contrary to Jeffery Barmann's assertion in his motion to join in the appeal, his previous request to rejoin in this action as a plaintiff was denied on August 9, 2007, in conjunction with the order dismissing the claims in this case.

IT IS, THEREFORE, ORDERED that Jeffery Barmann's motion to join on appeal is denied, without prejudice, and such motion be forwarded to the appellate court for consideration.  
[374] It is further

ORDERED that plaintiff Tyler's Rule 59(e) motion to alter or amend the judgment is denied. [368] It is further

ORDERED that plaintiff Smith is granted leave to withdraw for purposes of the notice of appeal filed by coplaintiff Tyler. [369] It is further

ORDERED that plaintiff Tyler's motion for injunction is denied. [370] It is further

ORDERED plaintiff Tyler's motions for leave to file exhibits is granted. [375, 376] It is further

ORDERED that plaintiff Tyler's motion for sanctions is denied. [375] It is further

ORDERED that plaintiff Tyler's motions seeking an order of protection regarding legal materials are granted and defendants are ordered not to destroy any documents/files/legal materials belonging to plaintiff Tyler that are or may be related to this case, prior to conclusion of the appeal. [371, 372]

/s/  
\_\_\_\_\_  
NANETTE K. LAUGHREY  
United States District Judge

Dated: October 2, 2007  
Jefferson City, Missouri